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<b>Fax:</b> 571-273-4366 8300	<b>Pages:</b> 9
<b>Phone:</b> 770-982-1339	<b>Date:</b> 2/8/2006
<b>Re:</b> Response to 2 <sup>nd</sup> Non Final Office Action <b>CC:</b>	
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Application No. 10/813,923

**1**  
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**CENTRAL FAX CENTER****APR 05 2006****Response to Non-Final Office Action****Priority**

1. The examiner asserts the claim for priority is improper. As previously discussed with the examiner, the instant application filed on 3/31/2004. This was during the time of pendency of the parent application 10/248,933 which was abandoned on 11/24/2004. Thus the claim for priority is proper. After speaking with the examiner, before filing the previous response, the examiner agreed. However, in the office action, the examiner continues to state the claim is improper. A clear explanation is hereby requested. As indicated in the file history, a number of actions and responses were filed in the parent application 10/248,933 after the filing date of the instant application.

**Response to 102 Rejections**

2. The examiner asserts claims 1-7 are rejected under 102 (b) as being anticipated by Ghobadi. Subsequently claims 8-14 are mentioned on page 3, but are not included in the initial list of claims being rejected. It is unclear if the claims are actually rejected. The rejection is improper for only claims 1-7 were indicated as being rejected; however, the examiner made references to claims 8-14 as well. Applicant assumes claims 8-14 were also intended to be rejected.

Ghobadi is non-analogous art. The invention of the reference is directed to a Martial arts condition device having rings, a torso harness, hand stirrups, knee bands, and ankle bands. The invention is for practicing punching and blocking motions. There is no suggestion for one look at the martial arts device and use for practicing or executing a golf shot as required of the instant invention. The instant invention is worn to restrict movement of a wear's feet in during a golf swing while allowing for knee-bending. The references are not in the same field nor directed to solving the same problems.

While claim 2 was previously canceled, the examiner addresses claims 1-2 by asserting element 92 is to the adjustment mechanism for adjusting the distance between said forward and rear feet gripping elements. The examiner has not given a specified where it is located in the reference that the element 92 is equal to the claimed adjustment mechanism. The examiner has mischaracterized the elements of the invention of Ghobadi. First of all the element 92 is characterized as an elastic kick cord attached between the ankles not the feet as required of the claimed adjustment mechanism. The cord connects between the ankles and not feet as required of the claimed adjustment mechanism. The purpose of the kick cord is for providing resistance when kicking allowing one to develop strong kicks or muscles used in sports. The cord does not maintain a set distance between the feet. The cord is elastic therefore it will not ensure, secure, or

Application No. 10/813,923

2

maintain a fixed distance between the feet. The elastic band will not ensure the feet remain a parallel configuration as required in the claim. The claimed adjustment mechanism will maintain the distance between the feet after being adjusted to a desired width. As such claim the rejection as applied to claim 1 is improper and should be withdrawn. The rejection of claims 3-7 are improper for the same as those mentioned in reference to claim 1.

The elastic band 92 is a single strap and does not have two opposing complimentary attaching means as claimed in claim 3.

As to claim 4, applicant states 114 and 71 are equivalent to the two opposing attaching means of the foot gripping element. Element 114 ankle is attached to an ankle not foot. Furthermore there is no mention of the ankle ring being releasably connected to the ankle strap 71. Even if such the elements would secure an ankle not foot as require of the claimed element. Applicant also states the elements are

In reference to claims 9-14 element 72 is considered as 72. If element 72 is considered as the base strap, there would be no other elements which could be considered as the foot gripping elements for the other elements grip the ankle not the foot.

In view of the remarks above and the amendment to claim 1, the rejection of claims 1-7 are hereby requested to be withdrawn and all the claims be indicated as allowable.

#### Conclusion

Claim 2 has been canceled. The remaining claims are 1 and 3-17.

For reasons above, applicant request all previous rejections be withdrawn and submit all of the remaining claims are in condition for allowance. If the examiner finds that a telephone conference with applicant would expedite the allowance of the claims, the examiner is invited to contact Alvin S. Perry.

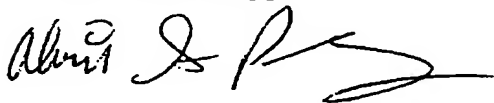
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Fax-History Report for  
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Feb 2	12:59pm	Received		0:38	0	No fax
Feb 2	1:04pm	Received	6789450001	1:00	1	OK
Feb 2	1:58pm	Received		0:38	0	No fax
Feb 2	3:23pm	Fax Sent	7709229852	1:18	3	OK
Feb 3	1:32pm	Fax Sent	13038601568	0:48	2	OK
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